



Pitt County Board of Health

February 25, 2014

Dear Restaurant Owner/Manager,

Thank you for your help in protecting the public's health by restricting smoking in your facility. The NC smoke-free restaurants and bars law has been in effect since 2010 and we have already seen significant improvements in disease such as the decreased number of emergency room visits by North Carolinians experiencing heart attacks.

The sale of electronic cigarettes (e-cigarettes) has recently increased significantly in the U.S.A. There are many questions about the safety of these devices and there are currently scientific studies being done to answer these questions. The U.S. Food and Drug Administration (FDA) has announced its intention to regulate e-cigarettes as tobacco products, but these regulations have not yet been issued. In September, 2013, top law enforcement officials from 41 states, including NC, urged the FDA to promptly issue these regulations. Because electronic cigarettes are not currently regulated, the ingredients of the chemicals they use are mostly unknown, as are the health effects caused by them.¹ It is known that exhaled vapor from some of these e-cigarettes contains hazardous chemicals and particles that can collect on surfaces and potentially pose a risk to humans and pets.²

As the owner/manager of your restaurant, you have the legal authority to not allow people to use these e-devices on your property. Until more information is available about the safety and health effects of these chemicals on your customers and your staff, the Pitt County Board of Health encourages you to prohibit the use of e-cigarettes or any similar devices on your property.

Sincerely,

John H. Morrow, MD, MPH
Health Director

Jeffrey A. Wilson
Chairman

¹ U.S. Food and Drug Administration. (2009). *FDA and Public Health Experts Warn About Electronic Cigarettes*. Retrieved on February 10, 2014 from <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm>

²Williams, M. (2013, Oct. 3). Electronic cigarette liquids and vapors: Is it harmless water vapor? In Philip S. Gardiner (Chair), *Electronic Cigarettes: The vapor this time*. Conducted by the Tobacco Related Disease Research Program at the University of California Riverside in San Francisco, California. Retrieved on February 10, 2014 from <http://www.trdrp.org/ecigarettes>

FACT SHEET

ELECTRONIC CIGARETTES (E-CIGARETTES)

Descriptions

- Electronic cigarettes, or e-cigarettes, are battery-powered devices that heat cartridges containing flavored, liquid nicotine and other additives that deliver nicotine to the user in the form of an aerosol or “vapor.”
- Electronic cigarettes are not lit, although many light up when they are drawn on. These devices are usually made to look like tobacco products, such as cigarettes and cigars.
- Nicotine cartridges come in many flavors, including both tobacco flavors, and fruit or candy flavors, such as strawberry, banana and chocolate.
- The ingredients in e-cigarettes and vapor are currently being studied for their effects on individual health.
- Trends of e-cigarette use are being studied for their effects on population health, particularly the impact on young people and tobacco users who want to quit.
- E-cigarettes have not been tested in U.S. clinical trials as a smoking cessation device.

Youth

- The N.C. General Assembly (2013) showed their concern over e-cigarettes’ attractiveness to youth by adding them to the law which bans the sale or distribution of tobacco products to minors (McKenzie, 2013).
- Flavored e-cigarette products may be particularly attractive to young people (CDC, 2013).
- In October, 2013 NBC New York reported the increasing use of e-cigarettes to ingest marijuana, noting that, because of the lack of smell, this vaporized use of marijuana was almost undetectable by others, including parents (Givens & Chang, 2013, Oct. 11).
- Experimentation and use of these products have risen sharply among young people according to a recently released CDC study: *E-cigarette experimentation and recent use doubled among U.S. middle and high school students during 2011–2012, resulting in an estimated 1.78 million students having ever used e-cigarettes as of 2012. Moreover, in 2012, an estimated 160,000 students who reported ever using e-cigarettes had never used conventional cigarettes* (CDC, 2013).
- Nicotine, which is in most e-cigarettes, is addicting, and has been shown to affect brain development of adolescents (Counotte, et al., 2011).

Pregnant Women, Infants and Children, and Parents/Caretakers

- Epidemiologic evidence strongly supports links between conditions encountered during embryonic and fetal development, including smoking, with low birth weight and adult onset diseases, including atherosclerosis, coronary heart disease, type 2 diabetes, obesity, and cancer. New evidence is prompting studies to document the impact of nicotine in e-cigarettes on the fetus, including the impact on the genes and brain development that may increase the risk of behavioral problems and adult onset diseases. (Murphy, 2012)
- Nicotine is addictive. Nicotine crosses the placenta and can have negative effects (damage lungs, heart, and central nervous system) on the developing fetus. (Maritz, 2009).
- Nicotine is a known poison. Bottles of e-juice, used in e-cigarettes, are a poison risk for small children and pets (Yamin, Bitton, & Bates, 2010).
- Some e-cigarette vapors and refill fluids, known as e-juice, have tested to be toxic to fetal and embryonic mouse cells, which means expectant mothers' use of e-cigarettes may prove hazardous for the unborn (Talbot, 2013).
- Exhaled vapor from some e-cigarettes contains hazardous chemicals and particles that collect on surfaces, possibly posing risks to children and pets (Williams, 2013).

Smokers Who Want to Quit

- It's illegal for e-cigarettes to be marketed as a smoking cessation aid. A U.S. District Court of Appeals judge said if they make medical claims, like the product helps people quit smoking, they'd need to go through a formal FDA process. (CDC 2013). A number of electronic cigarette companies have received warning letters from the FDA for making such claims (FDA, 2010).
- The ads for electronic cigarettes often tell smokers they can use e-cigarettes anywhere they are not allowed to smoke. This is not the case, as all U.S. airlines and other places have banned the use of electronic cigarettes (Davies, 2013).
- Studies testing electronic cigarettes as a tobacco cessation aid have had mixed results, at best. They may help some quit, or they may impede quitting, or even increase addiction to nicotine in others (Glantz, 2013).
- While scientists agree that e-cigarettes expose their users to far lower levels of the toxic chemicals -- such as poisons, carcinogens and metals -- found in cigarette smoke, many of the chemicals are still present, just in much lower levels (Williams, 2013).
- E-cigarette vapor is created with either propylene glycol, which is a known irritant and asthma trigger, or vegetable glycerin. While these products are generally considered safe for humans, they have not been studied for use while heated or over a long period of frequent exposure (Williams, 2013).

Regulation

- As of December, 2013 electronic cigarettes and their advertising and promotion are not regulated. The U.S. Food and Drug Administration (FDA) has announced its intention to regulate electronic cigarettes as tobacco products, but no regulations have yet been issued (FDA, 2011, April).
- As of December, 2013 E-cigarettes manufacturers have not applied to FDA to have them approved as a smoking cessation aid.
- In September, 2013, top law enforcement officials from 41 states, including NC, urged the FDA to promptly issue rules governing the sale of e-cigarettes (Fisher, 2013).
- Electronic cigarette manufacturers do not always accurately label the amount of nicotine in their products. (Cheah et al., 2012 and Trtchounian & Talbot, 2011). Of 65 compounds found in e-cigarette aerosol, 26 are listed on the FDA established list of harmful and potentially harmful substances (Williams, 2013).

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Additional References

- American Academy of Pediatrics Handout on E-Cigarettes -
http://www2.aap.org/richmondcenter/pdfs/ECigarette_handout.pdf
- American Legacy Foundation: Tobacco Fact Sheet –
<http://www.legacyforhealth.org/content/download/582/6926/file/LEG-FactSheet-eCigarettes-JUNE2013.pdf>

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Aldona Z. Wos, M.D., Secretary
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North Carolina Department of Health and Human Services
Division of Public Health

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Governor

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Secretary DHHS

Penelope Slade-Sawyer
Division Director

March 28, 2014

Dear North Carolina Local Health Directors:

The Chronic Disease and Injury Section and the Tobacco Prevention and Control Branch in the NC Division of Public Health are concerned about the relatively new and somewhat complex issue of electronic cigarettes, and what this rapidly growing market may mean for health departments, your staff and patients.

Electronic cigarettes, or e-cigarettes, are battery-powered devices that heat cartridges containing flavored, liquid nicotine and other additives to deliver to the user as an aerosol or "vapor". These devices are made to look like tobacco products, such as cigarettes and cigars. The nicotine cartridges come in many flavors, including menthol, strawberry, banana and chocolate. The flavors may be especially attractive to young people.

E-cigarette and other "vapor" products are currently not regulated, nor is the marketing of these products. FDA is expected to regulate e-cigarettes in the near future as a tobacco product. Currently, there are over 200 brands of e-cigarettes on the market. Many are being marketed as a way to continue smoking where smoking is prohibited and/or as an aid to quitting. However, there is no legal basis for e-cigarettes to be marketed as a smoking cessation aid as they have not been tested in clinical trials. While scientists agree that e-cigarettes expose users to far lower levels of the toxic chemicals -- such as poisons, carcinogens and metals -- found in cigarette smoke, many of the chemicals are still present, just in much lower levels. Of 65 compounds found in e-cigarette aerosol, 26 are listed on the FDA established list of harmful and potentially harmful substances.

E-cigarette use among middle- and high- school students in the U.S. doubled to 1.78 million in 2012, compared with the year before, according to the U.S. Centers for Disease Control and Prevention (CDC). Health experts fear that e-cigarettes can be a gateway to traditional tobacco products.

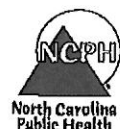
Regarding health department policy for e-cigarettes, if a local health department policy, Board of Health rule and/or county ordinance for government buildings and/or grounds covers all "tobacco products", then our interpretation is that e-cigarettes are included within that definition. As mentioned above, e-cigarettes contain nicotine which is derived from tobacco and, therefore, they are simply another form of a tobacco product.

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North Carolina Local Health Directors
March 28, 2014

In June 2013, the members of the N.C. General Assembly showed their concern over e-cigarettes' attractiveness to youth by adding them to the law which bans the sale or distribution of tobacco products to minors. In this law, e-cigarettes are defined as "tobacco products."

On the other hand, local health department policy, Board of Health rule and/or county ordinance for government buildings and/or grounds cover only "smoking." A new regulation can be adopted to include e-cigarettes or include e-cigarettes by prohibiting the use of all tobacco products.


E-cigarette use should be prohibited in all places where smoking is prohibited. The most important reasons for this are: 1) to protect children, adolescents and pregnant women from nicotine in e-cigarette vapor and 2) to enforce smoke-free air regulations.

The Tobacco Prevention and Control Branch can provide you with model language, as needed, based on the type of regulation requested.

For more information on e-cigarettes or QuitlineNC, please refer to the attached fact sheet, visit the Division of Public Health website at <http://www.tobaccopreventionandcontrol.ncdhhs.gov/> or contact Sally Herndon, Head of the NC Tobacco Prevention and Control Branch at sally.herndon@dhhs.nc.gov 919-707-5401, Jim Martin, Director of Policy and Programs, Tobacco Prevention and Control Branch at jim.martin@dhhs.nc.gov 919-707-5404 or Pam Diggs, Director of Local Program Development and Regulations, Tobacco Prevention and Control Branch Pamela.diggs@dhhs.nc.gov 919-707-5407.



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